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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION
OF IONEX COMMUNICATIONS NORTH, INC.
FOR THE CANCELLATION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR TELECOMMUNICATIONS
SERVICES.

DOCKET NO. T-03864A-07-0689

DECISION NO. 71689ORDER

Open Meeting
April 27 and 28, 2010
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Ionex Communications North, Inc. ("Ionex" or "Company") has a Certificate of Convenience and Necessity ("CC&N") to provide competitive facilities-based and resold intrastate telecommunications services within Arizona pursuant to Decision No. 63379 (February 16, 2001).

2. On December 14, 2007, the Company filed with the Commission an application for cancellation of its CC&N and withdrawal of its tariff on file with the Commission, if any ("Application"). Ionex stated that it does not provide, and has never provided, service in Arizona and currently has no customers in Arizona.

3. On December 24, 2007, the Commission's Utilities Division Staff ("Staff") filed its Letter of Insufficiency and First Set of Data Requests.

4. On December 27, 2007, the Company filed its responses to Staff's Data Requests.

5. On March 12, 2010, the Staff filed its Staff Report recommending approval of the Application.

1 6. The Company requests a waiver from compliance with the terms of Arizona
2 Administrative Code ("A.A.C."), R-14-2-1107 requiring the Company to provide notice to customers
3 of its discontinuation of service, a plan for the refund of deposits, a list of alternate providers, and to
4 publish notice of the Application. Ionex requested a waiver of these provisions because it never
5 provided service to any customers in Arizona and, because it has not had any customers, the
6 Company has not collected any advances, prepayments and/or deposits.

7 7. Staff concurs with Ionex's reasoning and recommends that Company compliance with
8 the provisions of A.A.C. R-14-2-1107 should be waived.

9 8. As discussed in Decision No. 67404 (November 2, 2004), it would render A.A.C.
10 R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to exempt a
11 company from the requirements of the rule because it has no customers due to its discontinuation of
12 service. However, as discussed in that Decision, the intent of the rule is to ensure that existing
13 customers have advance notice of a telecommunications provider's pending plan to discontinue
14 service such that they will be afforded an opportunity to procure service through an alternative
15 provider prior to such discontinuance.

16 9. The Company has never had any Arizona customers and did not collect any advances,
17 prepayments and/or deposits. Under these circumstances, the requirements of A.A.C. R-14-2-1107
18 should be waived.

19 10. The Commission's Consumer Services Section of the Commission's Utilities Division
20 reported that there were no customer complaints, inquiries or opinions against the Company from
21 January 1, 2006, through February 10, 2010. According to Staff, Consumer Services also reported
22 that Ionex's authority to do business in Arizona was revoked on September 29, 2009, by the
23 Commission's Corporations Division for failure to file its annual reports.

24 11. Staff recommends approval of Ionex's Application.

25 12. Staff's recommendation is reasonable and should be adopted.

26 13. According to the Staff Report, on May 17, 2001, Ionex filed a performance bond as
27 required by Decision No. 63379. Upon cancellation of the Company's CC&N, the performance bond
28 will no longer be required.

CONCLUSIONS OF LAW

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2 1. The Company is a public service corporation within the meaning of Article XV of the
3 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

4 2. The Commission has jurisdiction over the Company and the subject matter of the
5 Application.

6 3. The cancellation of the Company's CC&N is in the public interest.

7 4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding
8 Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

9 5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

10 6. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of Ionex Communications North, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide competitive facilities-based and resold intrastate telecommunications services in Arizona is hereby approved, and its Certificate of Convenience and Necessity, and any Ionex Communications North, Inc. tariff on file with the Commission, are hereby cancelled.

IT IS FURTHER ORDERED that Ionex Communications North, Inc. may cancel the performance bond.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

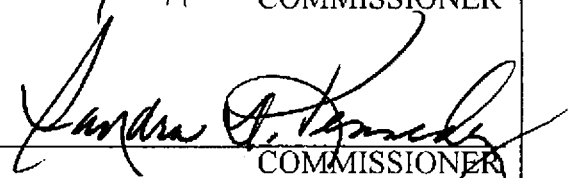
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON
Executive Director of the Arizona Corporation Commission,
have hereunto set my hand and caused the official seal of the
Commission to be affixed at the Capitol, in the City of Phoenix,
this 3rd day of MAY, 2010.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

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2 DOCKET NO.:

T-03864A-07-0689

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